

APPEAL NO. 041588
FILED AUGUST 24, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 14, 2004. The hearing officer determined that the respondent (claimant) had disability beginning on September 12, 2003, and continuing through the date of the hearing. The appellant (carrier) appealed on sufficiency of the evidence grounds and the claimant responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that the claimant sustained a compensable injury on _____; that the compensable injury includes the diagnosis of post concussion syndrome, hemotoma of the left eye, soft tissue injury to the cervical and lumbar spine, but does not include underlying spinal structure spondylosis; and that the compensable injury does not include an injury to the left shoulder, left hip, right ankle, right wrist, and an aggravation of depression and anxiety.

We have reviewed the complained-of determination and conclude that the disputed issue regarding disability involved a factual question for the hearing officer to resolve. The hearing officer reviewed the record and decided what facts were established. We conclude that the hearing officer's determination is supported by the record and is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

We affirm the hearing officer's decision and order.

The true corporate name of the insurance carrier is **TRINITY UNIVERSAL INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**RONALD I. HENRY
10000 NORTH CENTRAL EXPRESSWAY
DALLAS, TEXAS 75230.**

Daniel R. Barry
Appeals Judge

CONCUR:

Elaine M. Chaney
Appeals Judge

Gary L. Kilgore
Appeals Judge